

REMARKS

In the office action dated January 28, 2008, all pending claims 1-36 were rejected. Applicants are amending each of the independent claims 1, 9, 14, 19, 27 and 32 and a number of the dependent claims. Favorable consideration of the amended claims is requested.

The independent claims are being amended to clarify that the user-selectable command at issue there is a temporary favorite-link bookmark. Moreover, these and other claims are amended to clarify that the menu where the temporary favorite-link bookmark and other bookmarks are displayed is a favorite-link menu. These claims are supported by the claims as filed and also throughout the present disclosure, for example in the description of the user-selectable command 270, which is an example of a temporary favorite-link bookmark, and of the menu 260, which is an example of a favorite-link menu. (Spec. 7:20—12:2.)

No new matter is added.

Rejection under section 103

Claims 1-36 was rejected under § 103(a) as allegedly rendered unpatentable by U.S. 6,069,628 (Farry) in view of U.S. 5,668,962 (Kitani) and U.S. 6,144,991 (England). This rejection is rendered moot by the above amendments. Nevertheless, and without conceding that the rejection has merit, Applicant makes the following notes.

Obviousness or nonobviousness of claimed subject matter is determined by considering differences between the prior art and the claims at issue and the level of ordinary skill in the pertinent art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). As the Federal Circuit has said, “the inquiry is not whether each element existed in the prior art, but whether the prior art made obvious *the invention as a whole* for which patentability is claimed.” *Hartness Intern. Inc. v. Simplimatic Eng’g Co.*, 819 F.2d 1100, 1108 (Fed. Cir. 1987)(emphasis added).

While the above standards are applicable for determining patentability, Applicant notes that the Examiner characterizes each of Farry, Kitani and England by first fragmentizing the claim language and then assembling selected passages of the references that in many situations bear no relevance to the subject matter at issue. In the following, Applicant will try to point out

some of the instances where this piecemeal analysis seems to have obscured the true meaning of the claimed subject matter and of the references.

First, independent claims 1, 9 and 14 relate to a temporary favorite-link bookmark. The bookmark is temporary because, as stated in the claim, the bookmark disappears from a favorite-link menu after a first use. Second, independent claims 19, 27 and 32 relate to a temporary favorite-link bookmark that disappears from a favorite-link menu upon an event. None of the references disclose or suggest a temporary favorite-link bookmark.

Farry discloses navigating user interfaces. Farry title. Farry describes that a system configuration file 43 (Figure 3) is maintained for window characteristics and is used in navigating through window configurations. Farry 5:2-7. None of the navigation is done using a bookmark in a favorite-link menu. None of the navigation is done using a temporary bookmark.

The Examiner cited to FIG. 8D and 2:15-27 of Farry as disclosing the “first input” of the present claims. In reality, FIG. 8D relates to “hot keys”, not favorite links. As such, it is not a temporary favorite-link bookmark. The cited passage of Farry mentions application icons and key representations, none of which are a temporary favorite-link bookmark.

Kitami, in turn, discloses a window managing system for selecting a window in a user designated identifier list. Kitami title. Kitami describes that “the identifier list is a limited subset of all opened windows currently operating on the window system. In response to each depression of a key on the keyboard, a window is sequentially selected from the window identifier list.” Kitami abstract. Thus, teaches Kitami, “the user is capable of selecting the window to be associated with a certain input merely by continuing to depress a particular key.” Kitami 2:66—3:1. The window identifier list is not user-selectable and is not a favorite-link menu. None of the selection of windows taught in Kitami is done using a temporary bookmark.

The Examiner cited to 4:10-17 of Kitani as disclosing the “second input” of the present claims. In reality, this portion of Kitani merely describes that a user can add or delete from the window identifier list. As the inputs taught by Kitani do not activate a temporary favorite-link bookmark or even relate to a favorite-link menu, they fail to disclose the second input recited in the present claims.

England, finally, relates to managing interactions between users in a browser-based telecommunications network. In the portion relied on by the Examiner, England describes that a

“tour of the Web” can be created by a user by recording a session that can then be played back. England 22:17-64. Particularly, the Examiner apparently latched onto the statement that the client can “control whether the animation loops or automatically deletes itself”. England 22:39-41. However, a closer reading of this statement reveals that it bears no relation to the present subject matter. That is, what England describes as being deleted is an “animation” that is played back to a user, not a temporary favorite-link bookmark in a menu. England simply does not disclose or suggest a temporary favorite-link bookmark.

Applicant submits that the contents of the references, when properly considered as illustrated above, show that the examination focused overly much on details and individual terms in the claims, without regard for how those terms viewed together form a description of the claimed subject matter in its entirety. As a result, the examination did not consider the invention as a whole, as required by *Hartness*, but merely assembled unrelated portions of references. Applicant submits that the Examiner has failed to show that the claimed subject matter is unpatentable under *Graham*.

Conclusion

The pending claims 1-36 are believed to be patentable over the references of record.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply the Request for Continued Examination fee of \$810 and any other charges or credits to deposit account 06-1050.

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Respectfully submitted,

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